



WASHINGTON STATE
DEPARTMENT OF
ECOLOGY

APPLICATION FOR PERMIT

have examined this application
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON
required by SEPA and find that

RECEIVED

JAN 25 1993

is: ☐ not an "action"

☐ SURFACE WATER

☐ GROUND WATER

☒ categorically exempt.

\$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION

1/28/93
DATE

Shera Baker
SIGNATURE (GRAY BOXES FOR OFFICE USE ONLY)

APPLICATION NO. 51-26889	W.B.I.A. 1	COUNTY Whatcom	PRIORITY DATE 1-25-93	TIME	ACCEPTED B
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APPLICANT'S NAME — PLEASE PRINT

Bus. Tel. _____
Home Tel. _____
Other Tel. _____

MABERRY TRUCKING INC.
ADDRESS (STREET) 816 Loomis Trail Rd. (CITY) Lynden (STATE) WASH. (ZIP CODE) 98264

DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION

January 1993

1. SOURCE OF SUPPLY

IF SURFACE WATER

SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE)

Bertrand Creek

TRIBUTARY

TRIBUTARY OF NOOKSACK RIVER

IF GROUND WATER

SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.)

SIZE AND DEPTH

2. USE

USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.)

Irrigation - during crop season

ENTER QUANTITY OF WATER
REQUESTED USING UNITS OF:

CUBIC FEET PER SECOND (CFS)

OR

GALLONS PER MINUTE (GPM)

ACRE FEET PER YEAR

500

232

TIMES DURING YEAR WATER WILL BE REQUIRED

April through October

IF IRRIGATION, NUMBER OF ACRES

155 170

IF DOMESTIC USE, NUMBER OF
UNITS BY TYPE, E.G. 1-HOME,
1-MOBILE HOME, 2-CAMPSITES, ETC.

IF MUNICIPAL USE, ESTIMATED
POPULATION
20 YEARS FROM TODAY

DATE PROJECT WAS OR WILL BE STARTED

EXISTING

DATE PROJECT WAS OR WILL BE COMPLETED

3. LOCATION OF POINT OF DIVERSION/WITHDRAWAL

3A. IF IN PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)	SECTION	TOWN	RANGE	ALSO, PLEASE ENCLOSE A COPY OF THE PLAT AND MARK THE POINT(S) OF WITHDRAWAL OR DIVERSION
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3B. IF NOT IN PLATTED PROPERTY

ON ACCOMPANYING SECTION MAPS, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION, SHOW
NORTH-SOUTH AND EAST-WEST DISTANCES FROM NEAREST SECTION CORNER OR PROPERTY CORNER

ALSO, ENTER BELOW THE DISTANCES FROM THE NEAREST SECTION OR PROPERTY CORNER TO THE DIVERSION OR WITHDRAWAL.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE (E. OR W.) W.M.	COUNTY
NE 1/4 OF NW 1/4	23	40 N	2 E W.M.	WASHINGTON

4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER

5. LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY (ON WHICH THE WATER WILL BE USED) TAKEN FROM
A REAL ESTATE CONTRACT, PROPERTY DEED OR TITLE INSURANCE POLICY. OR, COPY CAREFULLY IN THE SPACE BELOW.

Legal Descriptions and maps included on pages
1, 2, 3, 4 & 5 - Legal Descriptions included are
for land which water is currently being used.

WHAT IS YOUR INTEREST IN THE PROPERTY ON WHICH THE WATER IS TO BE USED (PROPERTY OWNER, LESSEE, CONTRACT PURCHASER, ETC.)

Owner

ARE THERE ANY EXISTING WATER RIGHTS RELATED TO THE LAND ON WHICH THE WATER IS TO BE USED (INCLUDING WATER PROVIDED BY IRRIGATION DISTRICTS OR DITCH COMPANIES.)

☒ YES

☐ NO

IF YES, FROM WHAT SOURCE (i.e. SURFACE OR GROUND WATER) AND UNDER WHAT AUTHORITY

Ground water

6. DESCRIPTION OF SYSTEM PROPOSED OR INSTALLED

(FOR EXAMPLE: SIZE OF PUMP, CAPACITY OF PUMP, PUMP MOTOR HORSE POWER, PIPE DIAMETER, NUMBER OF SPRINKLERS, ETC.)

Two 40 H.P. Pumps. that run a big gun traveler system. System has been in place for over 20 years. This application would be in conjunction with previous applications submitted by Maberry Parkers on the same property. Because

REMARKS

7. of difficulty and high expense and water quality issues with ground water, Bertrane Creek remains the most desirable source. We would like to consider our existing system in our overall program.

COMPLETE THIS SECTION ONLY IF THIS APPLICATION INCLUDES IRRIGATION AS A USE

IN ORDER TO IMPLEMENT THE PROVISIONS OF INITIATIVE MEASURE NUMBER 59, THE FAMILY FARM WATER ACT WHICH WAS PASSED BY THE VOTERS ON NOVEMBER 3, 1977, WE MUST ASK THE FOLLOWING QUESTIONS:

DOES THE TOTAL NUMBER OF ACRES IN WHICH YOU HAVE CONTROLLING INTEREST IN THE STATE OF WASHINGTON EXCEED 2000 ACRES FOR THE FOLLOWING THREE CATEGORIES:

1. LANDS THAT ARE BEING IRRIGATED UNDER WATER RIGHTS ACQUIRED AFTER DECEMBER 8, 1977.

YES ☐

NO ☐

2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF ECOLOGY.

YES ☐

NO ☐

3. LANDS THAT MAY BE IRRIGATED UNDER THIS APPLICATION.

YES ☐

NO ☐

IF 10 ACRE-FEET OR MORE OF WATER IS TO BE STORED AND/OR IF THE WATER DEPTH WILL BE 10 FEET OR MORE AT THE DEEPEST POINT, A STORAGE PERMIT MUST BE FILED IN ADDITION TO THIS PERMIT. THESE FORMS CAN BE SECURED, TOGETHER WITH INSTRUCTIONS, FROM THE DEPARTMENT OF ECOLOGY.

SIGNATURES

Maberry Parkers Inc.
LEGAL LANDOWNERS NAME
(PLEASE PRINT)

Marty Maloney
APPLICANT'S SIGNATURE

Marty Maloney V.P.
LEGAL LANDOWNER'S SIGNATURE (OWNER OF PROPERTY DESCRIBED IN ITEM NUMBER 5)

816 Loomis Trail Rd. Lynden
LEGAL LANDOWNER'S ADDRESS
WASH.

FOR OFFICE USE ONLY

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

SS.

This is to certify that I have examined this application together with the accompanying maps and data, and am returning it for correction or completion as follows:

.....

In order to retain its priority date, this application must be returned to the Department of Ecology, with corrections, on or before, 19.....

Witness my hand this day of, 19.....

FROM LYNDEN AG SERVICE CENTER TO
Position 5

3548182 P.01

JUN 29 1977

REAL ESTATE MORTGAGE FOR WASHINGTON
1255572

13496

MORTGAGE is made and entered into by MICHAEL J. MABERRY a single man.

in Whatcom

County, Washington, whose post office address is

6 Loomis Trail Road, Lynden

, Washington 98264

herein called "Borrower," and:

WHEREAS Borrower is indebted to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, herein called the "Government," as evidenced by one or more promissory note(s) or assumption agreement(s), herein called "note," which has been executed by Borrower, is payable to the order of the Government, authorizes acceleration of the entire indebtedness at the option of the Government upon any default by Borrower, and is described as follows:

<u>Date of Instrument</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>	<u>Due Date of Final Installment</u>
6-22-1977	\$100,000.00	5%	6-22-2017

And the note evidences a loan to Borrower, and the Government, at any time, may assign the note and insure the payment thereof pursuant to the Consolidated Farm and Rural Development Act, or Title V of the Housing Act of 1949:

And it is the purpose and intent of this instrument that, among other things, at all times when the note is held by the Government, or in the event the Government should assign this instrument without insurance of the note, this instrument shall secure payment of the note; but when the note is held by an insured holder, this instrument shall not secure payment of the note or attach to the debt evidenced thereby, but as to the note and such debt shall constitute an indemnity mortgage to secure the Government against loss under its insurance contract by reason of any default by Borrower:

NOW, THEREFORE, in consideration of the loan(s) and (a) at all times when the note is held by the Government or in the event the Government should assign this instrument without insurance of the payment of the note, to secure prompt payment of the note and any renewals and extensions thereof and any agreements contained therein, including any provision for the payment of an insurance or other charge, (b) at all times when the note is held by an insured holder, to secure performance of Borrower's agreement herein to indemnify and save harmless the Government against loss under its insurance contract by reason of any default by Borrower, and (c) in any event and at all times to secure the prompt payment of all advances and expenditures made by the Government, with interest, as hereinafter described, and the performance of every covenant and agreement of Borrower contained herein or in any supplementary agreement, Borrower does hereby grant, bargain, sell, convey, mortgage, and assign with general warranty unto the Government the following property situated in the State of

Washington County (ies) of Whatcom

The North 60 acres of the South half of the Northwest quarter of Section 14, Township 40 North, Range 2 East of W.M., EXCEPT THEREFROM the Weidkamp Road, situate in Whatcom County, Washington.

Being designated as Tax Lot No. 2.1

McBerry Packing

From	Fm HA
Co.	Brenda
Phone #	354-5158

21

FROM FCS LYNDEN

1 TO

3548182

P.02

Pg 1

of land in Section 14, Township 40 North, Range 2 East of the Willamette Meridian, described as follows: the $S\frac{1}{2}NW\frac{1}{4}$ together with the $N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, EXCEPT the following described lands:

The North 60 acres of the $S\frac{1}{2}NW\frac{1}{4}$.

Portions along the South line of the $NW\frac{1}{4}$ previously deeded to Dickson, Sheets and Crook, defined as follows: That portion being South of a line beginning at the West corner and extending to a point on the East line of said Section 2483.85 feet of the Northeast corner of said Section and 2.64 feet East of the stone set by Botta for the East quarter corner of said Section 14, and East of the West line of $E\frac{1}{2}SW\frac{1}{4}$ of said Section.

Beginning at a point on the West line of Section 14, Township 40 North, Range 2 where said West line intersects the South line of the North 60 acres of the $S\frac{1}{2}NW\frac{1}{4}$, East along said South line of said North 60 acres 400 feet to a point; thence parallel to said West section line 1040 feet, more or less, to the North line of $NW\frac{1}{4}SW\frac{1}{4}$ of said Section 14; thence West to the West line of said Section 14; thence to the point of beginning.

B
 $E\frac{1}{2}SW\frac{1}{4}$ and the $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ of Section 14, Township 40 North, Range 2 East of the Willamette Meridian, EXCEPT County Roads No. 197 and 144. ✓

9/18/80
MB

2



(3)

Parcel owned by Magery Packing Inc.
Most Commonly Known As 35 Acre Parcel
South of Buthausen's Park

LARRY W. STEELE, P.L.S.
BEN C. MORRIS, P.L.S.

LEGAL DESCRIPTION
(Hanks)

A tract of land within the below described Parcel A lying Northerly of the following described line:

Beginning at the Northwest corner of the Southeast Quarter, Section 14, Township 40 North, Range 2 East, W.M., as established by judicial decree in Civil Cause No. 11571, of Supreme Court files, Whatcom County, Washington; thence South $00^{\circ}23'09''$ West, a distance of 672.72 feet to an iron pipe capped and stamped "Steele 13138" and the True Point of Beginning; thence North $87^{\circ}08'48''$ East, a distance of 2292.66 feet to an iron pipe capped and stamped as noted above on the Easterly line of the below described Parcel A:

PARCEL A

A tract of land located in the Southeast Quarter of Section 14, Township 40 North, Range 2 East of W.M., more particularly described as follows: Beginning at a point 100 rods West and 80 rods North of the Southeast corner of said Southeast Quarter; thence West parallel to the South line of said Southeast Quarter to the Westerly line thereof; thence Northerly along said Westerly line to the Northwest corner of said Southeast Quarter as established by judicial decree in Civil Cause No. 11571, of Superior Court Files, Whatcom County, Washington; thence Easterly along said established line to a point 495 feet West of the Easterly line of said Southeast Quarter; thence Southerly parallel to said Easterly line to a point 875.55 feet South and 495 feet West of the Northeast corner of said Southeast Quarter; thence Westerly 30 feet to a point 875.55 feet South and 525 feet West of the Northeast corner of said Southeast Quarter; thence Southerly parallel to the Easterly line of said Southeast Quarter, a distance of 275 feet to the Northerly line of Bertranda Estates, Division No. 2; thence Westerly along said Northerly line to the thread of Bertrand Creek; thence Westerly along the thread of said creek to its intersection with a line South of the Point of Beginning; thence North to the Point of Beginning.

TOGETHER WITH the following described tract in said Southeast Quarter: Beginning at the Northwest corner of the Plat of Bertranda Estates, Division No. 1; thence along the West line of said plat, South $00^{\circ}18'07''$ East, 180.00 feet; thence continuing South $00^{\circ}18'07''$ East, 219.31 feet, to a point; thence South $89^{\circ}41'53''$ West, 292.15 feet to the True Point of Beginning; thence along a curve to the right, the center of which bears North $28^{\circ}19'42''$ West, 265.00 feet, for an arc distance of 60.17 feet; thence North $19^{\circ}48'24''$ West, 270.00 feet, more or less to the thread of Bertrand Creek; thence following the thread of said creek, Northerly and Easterly, to a point which bears North $19^{\circ}48'24''$ West of the True Point of Beginning; thence South $19^{\circ}48'24''$ East, 260.00 feet, more or less, to said True Point of Beginning. (As described in legal description for Bertranda Estates, Division No. 2).

Situate in Whatcom County, Washington.

#24389
2/22/90

(3)